

CLASP-2 polypeptide, classified in class 536, subclass 23.1.) Further, Applicants elected to prosecute Group 1, SEQ ID NO: 1. This election was made with traverse.

In the Office Action mailed on November 5, 2002, the Examiner indicates that Applicants must elect a single amino acid sequence from Groups 5-8, as they pertain to each of amino acid sequences SEQ ID NOS; 2, 4, 6, or 10. Applicants respectfully indicate that they have already elected group A, which does not include Groups 5-8. Unless the Examiner has reconsidered, Applicants should not need to make an election within a non-elected group.

Nevertheless, in compliance with the Examiner's requirement, Applicants elect to prosecute SEQ ID NO: 2. This election is made with traverse. Applicants respectfully clarify that SEQ ID NOS: 2, 4, 6 and 10 cover multiple forms of human CLASP-2 (hCLASP-2) polypeptides produced by alternative exon usage (*i.e.*, production of splice variants) (see page 22, lines 10-26 of the specification). Specifically, SEQ ID NOS: 2, 4, 6 and 10 cover hCLASP-2A, hCLASP-2B, hCLASP-2C, and hCLASP-2E, respectively. Such polypeptide sequences can be searched together without placing an undue burden on the Examiner or the USPTO's resources.

The MPEP states that where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions.<sup>1</sup> In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. In order to show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have separate classification, acquired a separate status in the art, or that searching would require different fields of search. According to the MPEP, where the classification is the same

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<sup>1</sup> MPEP 803 Restriction -- When Proper

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and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions.<sup>2</sup>

Thus, Applicants respectfully request that the Examiner examine SEQ ID NOS: 2, 4, 6 and 10 together.

Respectfully submitted,



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<sup>2</sup> MPEP 808.02 Related Inventions; (C) A different Field of search